

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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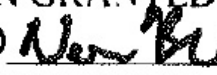
David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

October 20, 2022

By ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**APPLICATION GRANTED
SO ORDERED** 
VERNON S. BRODERICK
U.S.D.J. 10/21/2022

Re: *United States v. Darius Pizarro*, 22 Cr. 454 (VSB)

Dear Judge Broderick:

Yesterday, Darius Pizarro, a 22-year-old defendant with a criminal case pending before this Court, died in custody at the Metropolitan Detention Center in Brooklyn (MDC). **We write to respectfully request that the Court order MDC to provide Federal Defenders of New York with a complete copy of all medical, psychiatric, psychological, and disciplinary records in its possession concerning Mr. Pizarro.**

As background, Mr. Pizarro was arrested on robbery charges on August 12, 2022, and presented in magistrate's court the following day. Following a detention hearing, he was ordered detained without bond. He was subsequently indicted, and appeared for arraignment before this Court on September 1, 2022, where he pleaded not guilty to the charges against him. His case was then adjourned to November 18, 2022. From August 13 until yesterday he had been housed at the Westchester County Jail. Yesterday, however, he was transferred to MDC, where he died that same day, shortly after arriving at the facility. We believe that MDC suspects Mr. Pizarro committed suicide, but MDC has not directly confirmed this belief. An autopsy is pending, and many questions concerning Mr. Pizarro's death remain to be answered.

Armed with a HIPAA release form previously signed by Mr. Pizarro to authorize disclosure of his records to our office, today we asked MDC to provide them. MDC responded that, since Mr. Pizarro is deceased, we would need to make a FOIA request to obtain the records. Unfortunately, in our experience FOIA requests of this nature can delay records production by many months, if not years. Under the circumstances, neither Mr. Pizarro's family nor our office should not be made to wait that long for insight into his death. Critically, were Mr. Pizarro still

Hon. Vernon S. Broderick
United States District Judge

October 20, 2022
Page 2 of 2

Re: United States v. Pizarro
22 Cr. 454 (VSB)

alive, we would be able to obtain these records in a matter of days. That he has tragically passed away should not result in needless delay.

For these reasons, we respectfully request that the Court endorse this letter to order that MDC provide our office with all records in its possession concerning Mr. Pizarro.

Respectfully submitted,

/s/ Jonathan Marvinny

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cc: Amanda Weingarten, Esq.
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